

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare – Appeal Petition filed by Smt. Marrie Lalitha Kumari, D/o Marrie Kammamma, SC (Mala) – LDC- Cum-Typist, Sri. Potti Sreeramulu Telugu University – Hyderabad – filed against the Proceedings of the District Collector, Nalgonda, dated: 16-08-2008 – Appeal rejected – Orders - Issued.

SOCIAL WELFARE (C.V-1) DEPARTMENT

G.O.Ms.No. 105
28-10-2009.

Dated:

following:

Read the

1. From the Registrar, Sri Potti Sreeramulu Telugu University, Nampally, Hyderabad, Ref.No.PSTU/Admn-II/63/5/NT/2006, Dated: 28-11-2006 & 18-10-2007
2. From the Collector, Nalgondal Dist. Proc.No. H7/12465/06-1, dated: 16-08-2008.
3. Appeal Petition from Smt. Marrie Lalitha Kumari D/o Marrie Kamamma, Nalgonda Dist, dt -09-09-2008.
4. Govt.Memo No.7957/CV.1/2008-1, S.W.Dept., dated: 01-10-2008.
5. From the District Collector, Nalgonda, Lr. No. H7/12465/06, dt: 06-12-08.
6. Letter No.7957/CV.1/2008-, S.W.Dept., dated: 13-07-2009.

ORDER:

The Registrar, Sri Potti Sreeramulu Telugu University, Nampally, Hyderabad through his letter 1st read above has requested the District Collector Nalgonda to conduct an enquiry into the genuineness of the Caste Certificate issued by the MRO, Kodad and obtained by Smt.M.Lalitha Kumari, LDC cum Typist of his office and send a verification report in the matter.

2. The District Collector, Nalgonda has got the matter enquired into by the MRO Kodad and placed before the District Level Scrutiny Committee and in the light of the findings of this Committee and after following due procedure has issued proceedings, vide 2nd read above, canceling the Scheduled Caste (Mala) Certificate submitted by Smt.M.Lalitha Kumari vide Proceeding No. H7/12465/06-1, Dt: 16-08-2008.

3. Aggrieved by the Proceedings of the District Collector, Nalgonda, Smt. Lalitha Kumari has filed an appeal petition before the Government u/s 7 (2) of the A.P (SCs, STs & BCs) Regulation of Issue of Community, Certificates Act 1993 and rules made there under on 5-9-08 and submitted the following grounds in support of her claim.

- a) The District Collector, Nalgonda has passed the impugned orders with out causing any enquiry into the case of the appellant.
- b) The Joint Collector alone called the appellant for an enquiry as the Chairman of the Scrutiny Committee at District Level, and he alone, has recorded the statement of the appellant and there is no quorum in the enquiry proceedings, and in fact, no

Committee has been constituted as stated in the impugned orders.

- c) The enquiry to be conducted by Second Respondent is contrary to the Rule 8 (C) of the AP (SC, ST & BC) issue of Community Nativity and date of Birth Certificates Rules, 1997, which prescribes that minimum members to be present in the enquiry is three (3) to form the quorum in this instant case the enquiry is not conducted with proper quorum by formulating the scrutiny. Accordingly the Proceedings of the District Collector, is liable to be set aside.

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- d) The first respondent failed to appreciate the legal position, the appellant squarely falls under the category mentioned in 2nd para of G.O.Ms.No.371, dt: 13-4-1976, the statement of the appellant's mother and also by the people of the same caste, was made during the course of enquiry before the Joint Collector. The District Collector, Nalgonda has cancelled the caste certificate issued to the appellant is basing on the surmises and imagination without looking into the facts of the case.
- e) The District Collector and Joint Collector & Chairman, DLSC did not consider the facts stated by the 3rd respondent (MRO) in his report, in which, it was clearly stated that the mother of appellant belongs to SC (Mala) community and where as, the appellant was born to a person belongs to BC community, but, mother of the appellant did not got married with person who is said to be the father of the appellant, but only for the purpose of avoiding any social humiliation that cause to the appellant, if the fathers name was not written in the school records of the appellant, the name of that person Sri.Somaiah was written in place of the father of the appellant. But the appellant or her mother never treated as legal heirs of the said Sri.Somaiah and was treated as persons belongs to (SC (Mala) only i.e. community of her mother. The caste certificate issued in the year 1991 to the concerned MRO knowing the facts. The appellant's mother did not have married with said Sri.Somaiah, but question does not arise. Either the mother of the appellant or the appellant were never treated as legal heirs of the said Sri.Somaiah, the Surname of the appellant is Marrie of her mother's Surname and where as, the surname of said Sri.Somaiah is Mylarsetty. The appellant has continued with the surname of her mother's surname.
- f) The appellant family did not participate in the funerals of said Sri.Somaiah when he died and the appellants family did not get any properties inherited from the said Sri.Somaiah which clearly shows that except for the reason of giving birth, they, were never treated as children of the said Sri.Somaiah, and also appellants mother did not take any Christianity and never gone into any church.

4. The Government vide their Memo 4th read above have admitted the appeal petition and requested the District Collector, Nalgonda, to furnish parawise remarks and connected records on the appeal petition filed by Smt M. Lalitha Kumari.

5. The District Collector, Nalgonda vide his letter 5th read above, has furnished parawise remarks and Connected records on the appeal petition, which are as follows:

- i) He has reported that the matter has placed before the District Level Scrutiny Committee, headed by Joint Collector, conducted an enquiry into the matter with required quorum, prepared the minutes of the meeting and submitted to the District Collector, Nalgonda duly signed by all committee members.
- ii) He has reported that, under Para (2) of G.O.Ms.No.371 E & SW (B2) Dept, dated: 13-04-1976, the Government direct that the lower caste of either parent in the inter caste marriage shall be deemed to the caste of the child and it shall be eligible for the reservation made for the caste. But this Para was deleted vide G.O.Ms.No.91, S.W Dept., dated: 30-10-2007. As, such the G.O. has not been taken into consideration.
- iii) During the course of enquiry The Mandal Revenue Officer, Kodad has recorded the statement of Smt. Kammalamma, mother of the appellant. In the statement of Smt. Kamalamma she has deposed that, she was converted to Christianity. As per the Andhra Pradesh, (SC, ST & BC's) Regulation of Issue of Community Certificate Act 1993 and Rules, 1997,

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the S.C who was converted to Christianity will be treated as BC-C Community i.e. Converted Christian and their children will become the O.C's i.e. Christians. Even if the statement of Smt. Kammalamma, recorded by the Mandal Revenue Officer, Kodad at the time of enquiry, taken into consideration that, the applicant belongs to O.C Community i.e. Christian. As such, the action taken by The District Collector, Nalgonda in canceling the Caste Certificate issued to the appellant is in accordance with the Rules.

- iv) As per the report of the Mandal Revenue Officer, Kodad, Smt. M. Lalitha Kumari is an offspring of Sri M. Somaiah (who belongs to Perika -BC Caste) and Smt. Kammalamma, SC (later converted to Christianity (BC-C). But Smt. M. Lalitha Kumari claimed Scheduled Caste of her mother.

6. The case was taken up for hearing on 12-2-2009, 02-03-2009 & 03-08-2009, the appellant and her counsel were present and submitted written arguments and argued the case.

7. After careful perusal of the proceedings of the District Collector, Nalgonda, written arguments submitted by the appellant at the time of personal hearing and material available with the Government, it reveals that, Smt. M. Lalitha Kumari could not prove that she belongs to S.C. Mala Community.

8. The Government, after careful examination of the facts, connected records and material papers along with the proceedings of the District Collector, Nalgonda and in exercise of the powers conferred u/s 7 of Act 16 of 1993 observed and decided that the appeal petition filed by Smt. Lalitha Kumari, D/o Kammalamma does not deserve interference and it is hereby rejected, duly upholding the Proceedings of the District Collector, Nalgonda, No. H7/12465/2006-1, dated 16-08-2008.

9. The District Collector, Nalgonda is therefore directed to take further necessary action in the matter.

10. The records received from the District Collector, Nalgonda through the reference 5th read above (containing pp. 1-193 C.F., and pp. 1-11 n.f.,) are returned herewith, with a request to acknowledge the receipt of the same.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.NAGI REDDY,
PRINCIPAL SECRETARY TO GOVT.

To

The District Collector,
Nalgonda (we) (Original records file bearing No.H7/12465/2006-1,
containing pages CF 193 and NF 11)

Smt Marrie Lalitha Kumari, D/o Marrie Kammalamma,
LDC- Cum-Typist, Sri. Potti Sreeramulu Telugu University,
Hyderabad

Mr. S.S.N.Moorthy, Advocate,
H.No. 50/B, MIGH, Old Santhosh Nagar Colony,
Hyderabad.

Copy to:

The Registrar,
Sri Potti Sreeramulu Telugu University, Hyderabad.

The Commissioner of Social Welfare.
D.S.S.Bhavan, Masab Tank, A.P., Hyderabad.
The PS to M (SW) /PS to Prl.Secretary (SW)
SF/SC.

//Forwarded: By Order//

SECTION OFFICER